

CAPTION: Docket No. 2007-1479-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Adelfo Hernandez dba 3H Auto Sales in Tarrant County; RN105308795; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Bryan Sinclair)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1479-AIR-E TCEQ ID: RN105308795 CASE NO.: 34587
RESPONDENT NAME: Adelfo Hernandez dba 3H Auto Sales

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 3H Auto Sales, 2322 East Main Street, Grand Prairie, Tarrant County</p> <p>TYPE OF OPERATION: Used car lot</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 18, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Adelfo Hernandez, Owner, 3H Auto Sales, 2322 East Main Street, Grand Prairie, Texas 75050 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 8, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 22, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to equip the 1989 Ford Mustang with a three-way oxidation catalytic converter prior to offering it for sale [30 TEX. ADMIN. CODE § 114.20(c)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain the required control systems in good operable condition. Specifically, the wiring for the oxygen sensor had been cut and looped around the wiring on the passenger side oxygen sensor with a piece of tape [30 TEX. ADMIN. CODE § 114.20(c)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$450</p> <p>Total Deferred: \$90 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$360</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Install a three-way oxidation catalytic converter on the 1989 Ford Mustang, VIN No. 1FABP44E2KF128795, or cease to offer the car for sale; and</p> <p>ii. Begin maintaining the required control systems in good operating condition.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s).: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES

Assigned 28-Aug-2007

PCW 9-Sep-2007

Screening 5-Sep-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Adelfo Hernandez dba 3H Auto Sales
 Reg. Ent. Ref. No. RN105308795
 Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 34587 No. of Violations 1
 Docket No. 2007-1479-AIR-E Order Type 1660
 Media Program(s) Air Enf. Coordinator Cheryl Thompson
 Multi-Media EC's Team Enforcement Team 3
 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History -10% Enhancement Subtotals 2, 3, & 7 -\$50

Notes The penalty was reduced due to High Performer classification.

Culpability No 0% Enhancement

Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDP RP/Settlement Offer
 Extraordinary
 Ordinary
 N/A X (mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$9 0% Enhancement*
 Approx. Cost of Compliance \$250 *Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$450

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$450

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$450

DEFERRAL

20% Reduction

Adjustment -\$90

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral is recommended.

PAYABLE PENALTY

\$360

Screening Date 5-Sep-2007

Docket No. 2007-1479-AIR-E

PCW

Respondent Adelfo Hernandez dba 3H Auto Sales

Policy Revision 2 (September 2002)

Case ID No. 34587

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN105308795

Media [Statute] Air

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

The penalty was reduced due to High Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date 5-Sep-2007

Docket No. 2007-1479-AIR-E

PCW

Respondent Adelfo Hernandez dba 3H Auto Sales

Policy Revision 2 (September 2002)

Case ID No. 34587

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN105308795

Media [Statute] Air

Enf. Coordinator Cheryl Thompson

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 114.20(c)(1) and (2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to equip the 1989 Ford Mustang offered for sale with emission control devices and failed to maintain the required control systems or devices in good operable condition. Specifically, the vehicle did not have a three-way oxidation catalytic converter and the wiring for the oxygen sensor had been cut and looped around the wiring for the passenger side oxygen sensor with a piece of tape.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A vehicle with missing or inoperable vehicle emission control devices could result in the release of an insignificant amount of emissions at levels that are not harmful to human health or the environment.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

One single event is recommended based on the August 8, 2007 investigation date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet**Respondent** Adelfo Hernandez dba 3H Auto Sales**Case ID No.** 34587**Reg. Ent. Reference No.** RN105308795**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)	\$250	8-Aug-2007	30-Apr-2008	0.7	\$9	\$9

Notes for DELAYED costs

Estimated cost to equip the motor vehicle with emission control devices. Date required is the date of the investigation. Final date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$250

TOTAL

\$9

Compliance History

Customer/Respondent/Owner-Operator: CN603242074 HERNANDEZ, ADELFO Classification: High Rating: 0.0
Regulated Entity: RN105308795 3H AUTO SALES Classification: High Site Rating: 0.0
ID Number(s):
Location: 2322 E MAIN ST, GRAND PRAIRIE, TX, 75050 Rating Date: September 01 07 Repeat Violator: No
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: September 13, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 13, 2002 to September 13, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Cheryl Thompson Phone: (817) 588-5886

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 08/21/2007 (572438)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ADELFO HERNANDEZ DBA 3H
AUTO SALES
RN105308795**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1479-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Adelfo Hernandez dba 3H Auto Sales ("Mr. Hernandez") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Hernandez appear before the Commission and together stipulate that:

1. Mr. Hernandez owns and operates a used car lot at 2322 East Main Street in Grand Prairie, Tarrant County, Texas (the "Dealership").
2. The Dealership consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Mr. Hernandez agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Hernandez is subject to the Commission's jurisdiction.
4. Mr. Hernandez received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Hernandez of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Hundred Fifty Dollars (\$450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Hernandez has paid Three Hundred Sixty Dollars (\$360) of the administrative penalty and Ninety Dollars

(\$90) is deferred contingent upon Mr. Hernandez' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Hernandez fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Hernandez to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Hernandez have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Hernandez has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Dealership, Mr. Hernandez is alleged to have:

1. Failed to equip the 1989 Ford Mustang with a three-way oxidation catalytic converter prior to offering it for sale, in violation of 30 TEX. ADMIN. CODE § 114.20(c)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 8, 2007.
2. Failed to maintain the required control systems in good operable condition, in violation of 30 TEX. ADMIN. CODE § 114.20(c)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 8, 2007. Specifically, the wiring for the oxygen sensor had been cut and looped around the wiring on the passenger side oxygen sensor with a piece of tape.

III. DENIALS

Mr. Hernandez generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Hernandez pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Hernandez' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Adelfo Hernandez dba 3H Auto Sales, Docket No. 2007-1479-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Hernandez shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order,
 - i. Install a three-way oxidation catalytic converter on the 1989 Ford Mustang, VIN No. 1FABP44E2KF128795, or cease to offer the car for sale; and
 - ii. Begin maintaining the required control systems in good operating condition, in accordance with 30 TEX. ADMIN. Code § 114.20.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Hernandez. Mr. Hernandez is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Dealership operations referenced in this Agreed Order.
4. If Mr. Hernandez fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Hernandez' failure to comply is not a violation of this Agreed Order. Mr. Hernandez shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Hernandez shall notify the Executive Director within seven days after Mr. Hernandez becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Hernandez shall be made in writing to the Executive Director. Extensions are not effective until Mr. Hernandez receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Hernandez in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Hernandez, or three days after the date on which the Commission mails notice of the Order to Mr. Hernandez, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

DOCKET NO. 2007-1479-AIR-E

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

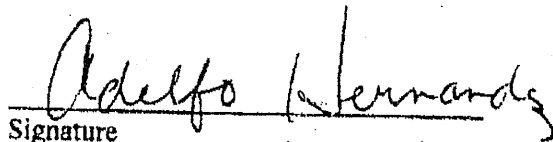
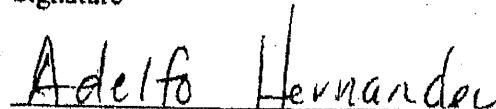
For the Commission


For the Executive Director8/21/2007
~~11-5-07~~
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
 - Greater scrutiny of any permit applications submitted;
 - Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
 - Increased penalties in any future enforcement actions;
 - Automatic referral to the Attorney General's Office of any future enforcement actions; and
 - TCEQ seeking other relief as authorized by law.
- In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature11-5-07
Date
Name (Printed or typed)
Authorized Representative of
Adelfo Hernandez dba 3H Auto SalesOwner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

